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Vol M00 Page 29387

T.S. NO.: 2000-18984-C
LOAN NO.: 243100875

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA
COUNTY OF ORANGE

I, **TERI VON ACHEN**, being first duly sworn, depose, say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of CALIFORNIA, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original or copy of notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, attached hereto.

Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of records or whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed were certified to be a true copy of the original notice of sale by **TERI VON ACHEN**, for **FIDELITY NATIONAL TITLE INSURANCE COMPANY**, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Santa Ana, CA on 4/28/2000. Each of said notices was mailed after the notice of default and election to sell described in said Notice of Sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

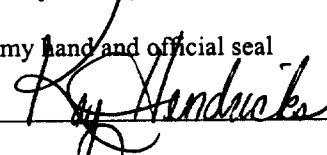

TERI VON ACHEN

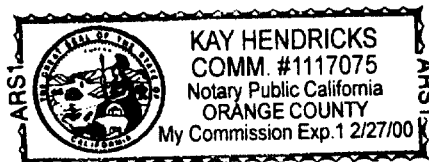
STATE OF CALIFORNIA
COUNTY OF ORANGE

On April 28, 2000 before me, the undersigned, A Notary Public in and for said State, personally appeared **TERI VON ACHEN** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his./her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature





5/12

AFFIDAVIT OF MAILING

TS: 2000-18984-C
DATE: April 28, 2000

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Orange County at 2912 S. Daimler, Santa Ana, CA 92705 by Law Offices of Steven J. Melmet, and is not a party to he ~~within action~~; and that on the date set forth above, (s)he personally served the Notice of Default ~~Trustee Sale~~, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and regular mail or as otherwise indicated below, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.



I declare under penalty of perjury that the foregoing is true and correct.

GARY L. LYBBERT
1521 SISKIYOU STREET
KLAMATH FALLS, OREGON 97601
CERTIFIED:3550731671

MICHELLE D. LYBBERT
1521 SISKIYOU STREET
KLAMATH FALLS, OREGON 97601
CERTIFIED:3550731672

U.S. BANK, NATIONAL ASSOCIATION ND
4325 17TH AVE. SW
FARGO, ND 58013
CERTIFIED:3550731673

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.

Trustee No.: 2000-18984-C

Reference is made to that certain Trust Deed made by GARY L. LYBBERT AND MICHELLE D. LYBBERT AS TENANTS BY THE ENTIRETY, as Grantor, to AMERITITLE, as Trustee, in favor of CENTEX HOME EQUITY, as Beneficiary, dated 11/24/1998, recorded 12/02/1998, in the mortgage records of KLAMATH, Oregon, as Instrument No. 70729, in Book M98, Page 44021. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by CENTEX HOME EQUITY. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

THE SOUTH 30 FEET OF LOT 16 AND THE NORTH 40 FEET OF LOT 17, WEST PARK, IN THE COUNTY OF KLAMATH, STATE OF OREGON

The street address or other common designation, if any, of the real property described above is purported to be:

**1521 SISKIYOU STREET
KLAMATH FALLS, OREGON 97601**

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735 (3); the default for which the foreclosure is made is Grantor's failure to pay when due, the following sums:

<u>FROM</u>	<u>INT. RATE</u>	<u>NO. PMT</u>	<u>AMOUNT</u>	<u>IMPOUND</u>	<u>TOTAL</u>
1/1/2000	7.99	9	\$530.75		\$4,776.75

Late Charges: **\$212.30**

Advances & Adjustments Schedule:

<u>DESCRIPTION</u>	<u>INTEREST RATE</u>	<u>AMOUNT</u>
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Total Interest on Advances & Adjustments:	\$0.00
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Grand Total:	\$4,989.05
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ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Deed of Trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following:

THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 01-01-00 AND ALL SUBSEQUENT INSTALLMENTS, TOGETHER WITH LATE CHARGES AS SET FORTH IN SAID NOTE AND DEED OF TRUST, ADVANCES, ASSESSMENTS AND ATTORNEY FEES, IF ANY. NOTHING IN THIS NOTICE SHALL BE CONSTRUED AS A WAIVER OF ANY FEES OWING TO THE BENEFICIARY UNDER THE DEED OF TRUST, PURSUANT TO THE TERMS OF THE LOAN DOCUMENTS.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **09/07/2000**, at the hour of **10:00 AM** in accord with the standard of time established by O.R.S. 187.110 at the following place;

**AT THE MAIN ENTRANCE TO THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET,
KLAMATH FALLS, OREGON**

County of **KLAMATH**, State of **Oregon**, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the trustee.

Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: **April 26, 2000**

**FIDELITY NATIONAL TITLE INSURANCE
COMPANY**

By *A. Frugassi*
A. Frugassi

For further information, please contact:

**FIDELITY NATIONAL TITLE INSURANCE COMPANY
401 S.W. 4TH AVENUE
PORTLAND, OR 97204
C/O LAW OFFICES OF STEVEN J. MELMET, INC.**

STATE OF *California*
COUNTY OF *Orange* } ss.

I certify that I, *A. Frugassi* am an authorized representative of FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

A. Frugassi
Authorized Representative of Trustee

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED
FOR THAT PURPOSE.**

133475

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

2000-18984-C

29391

STATE OF OREGON
COUNTY OF

Klamath

COURT CASE NO. _____

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- | | | | | |
|--|------------------------------------|--|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> Summons & Complaint | <input type="checkbox"/> Summons | <input type="checkbox"/> Small Claim | <input type="checkbox"/> Motion | <input type="checkbox"/> Answer |
| <input type="checkbox"/> Restraining Order | <input type="checkbox"/> Judgment | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Petition | <input type="checkbox"/> Letter |
| <input type="checkbox"/> Summons & Petition | <input type="checkbox"/> Order | <input type="checkbox"/> Decree | <input type="checkbox"/> Notice | <input type="checkbox"/> Citation |
| <input type="checkbox"/> Notice of Small Claims | <input type="checkbox"/> Complaint | <input type="checkbox"/> Order to Show Cause | | <input type="checkbox"/> Subpoena |
| <input checked="" type="checkbox"/> Trustee's Notice of Sale | | <input checked="" type="checkbox"/> Notice of Default and Election To Sell | | |

For the within named: Occupants of 1521 Siskiyon

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to: Michelle Lybbert at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to _____, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☐ **OFFICE SERVICE:** At the office which he/she maintains for the conduct of business as shown at the address below, by leaving such true copy or Original with _____, the person who is apparently in charge.

☐ **SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.**

Upon _____, by (a) delivering such true copy personally and in person, Corporation, Limited Partnership, etc.

to: _____ who is a/the _____ thereof, or
(b) leaving such true copy with _____, the person who is apparently in charge of the office of _____, who is a/the _____ thereof.

☐ **OTHER METHOD:** _____ By leaving an Original or True Copy with _____

☐ **NOT FOUND:** I certify that I received the within document for service on _____ and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, _____ within _____ County.

1521 Siskiyon St
ADDRESS OF SERVICE STREET UNIT / APT. / SPC#
Klamath Falls OR 97601
CITY STATE ZIP

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

May 8, 2000 5:41 a.m. ☐ p.m. ☒ Jeff K. Hanna
DATE OF SERVICE TIME OF SERVICE SIGNATURE

Affidavit of Publication

2000-189B4-C

29392

STATE OF OREGON, COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager,
being first duly sworn, depose and say
that I am the principal clerk of the
publisher of the Herald and News
a newspaper in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that the

Legal#3179

Notice of Sale

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for Four

(4) insertion(s) in the following issues:

May 18, 25, 2000

June 1, 8, 2000

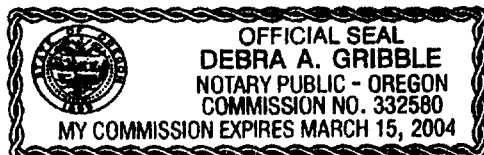
Total Cost: _____

Subscribed and sworn before me this 8th
day of June 2000

Debra A. Gribble

Notary Public of Oregon

My commission expires March 15 20 04



NOTICE OF SALE

Trustee's Notice of Sale Pursuant To O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq. Trustee No: 2000-18984-C Reference is made to that certain deed made by Gary L. Lybbert and Michelle D. Lybbert as grantor, to Amerititle, as Trustee, in favor of Centex Home Equity, as beneficiary, dated 11/24/1998, recorded 12/02/1998 in the mortgage records of Klamath, Oregon, as instrument No., 70729, in book M98, page 44021. The beneficiary interest under said trust deed and the obligations secured thereby are presently held by Centex Home Equity. Said trust deed encumbers the following described real property situated in said County and state, to wit: The south 30 feet of lot 16 and the north 40 feet of lot 17, West Park, in the County of Klamath, State of Oregon. The street address or other common designation, if any, of the real property above is purported to be: 1521 Siskiyou Street Klamath Falls, Oregon 97601. The undersigned trustee disclaims any liability for any inaccuracy of the above street address or other common designation. Both the beneficiary and the trustee elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due, the following O.R.S. 187.110 at the following times: From 1/1/2000 to the present. The following amounts are due: Principal \$4,776.75; Interest \$212.30; Late Charges \$530.75; Total \$5,509.75. The undersigned trustee and the beneficiary hereby give notice that the undersigned trustee will on 09-07-2000, at the hour of 10:00 A.M. in accordance with the standard of O.R.S. 187.110 at the following places: at the main entrance to the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon and at the County of Klamath, Oregon.

scription Interest Rate Amount Total interest on advances & adjustments: \$0.00 Grant Total: \$4,989.05. Also, if you have failed to pay taxes on the property, provide insurance on the property or pay by other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned trustee. By reason of said default, the beneficiary has declared all

sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following: The installment of principal, interest & im- pounds which became due on 01-01-00 and all subsequent installments together with late charges, advances, assessments and attorney fees, if any. Nothing in this notice shall be construed as a waiver of any fees owing to the beneficiary under the deed of trust, pursuant to the terms of the loan documents. Wherefore, notice hereby is given that the undersigned trustee will on 09-07-2000, at the hour of 10:00 A.M. in accordance with the standard of O.R.S. 187.110 at the following places: at the main entrance to the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon and at the County of Klamath, Oregon.

State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the grantor has or had power to convey at the time of execution by him of the said trust deed, together with any interest which the grantor his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the trustee. Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said performance of which is secured by said trust deed.

"Trustee" and "Beneficiary" include their respective successors in interest, if any. Dated: April 26, 2000 Fidelity National Title Insurance Company By A. Fragassi For further information, please contact: Fidelity National Title Insurance Company 401 S. W. 4th Avenue Portland, OR 97204 C/O Law Office of Steven J. Melmet, Inc. State Law Office of Steven J. Melmet, Inc. State of CA) County of ORG) ss. I certify that, I A. Fragassi am an authorized representative of Fidelity National Title Insurance Company, trustee and the foregoing is a complete and exact copy of the original trustee's notice of sale. A. Fragassi Authorized Representative of Trustee. This is an attempt to collect a debt and any information obtained will be used for that purpose. P133475 5/18 5/25 6/1/ 6/8/2000 #3179 May 18, 25, 2000 June 1, 8, 2000

State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the grantor has or had power to convey at the time of execution by him of the said trust deed, together with any interest which the grantor his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the trustee. Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said performance of which is secured by said trust deed.

29392-A

State of Oregon, County of Klamath
Recorded 08/10/00, at 2:54 p. m.
In Vol. M00 Page 29387
Linda Smith,
County Clerk Fee\$ 51⁰⁰